IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE THIRD DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

and
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 13429 of 2004

Between:

V. Pedda Babu S/o Rama Krishnaiah
aged about 44 years,
R/o 1-26, BB Gudem, Krishna District

..... PETITIONER

AND

1 The Dy. Transport Commissioner & Secretary, Regional Transport Authority, Krishna at Vijayawada
2 The Motor Vehicle Inspector Ongole, Prakasam District

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction particularly one in the nature of Writ of Mandamus, declaring the seizure of the petitioner's vehicle bearing No. AP/25T-7479 seized under vehicle check report No. 049794, dated 22-7-2004 by the 2nd Respondent as illegal, arbitrary, unjust and consequently direct the respondents to release the vehicle of the petitioner forthwith.

Counsel for the Petitioner: MR.B.SIVA RAMA KRISHNAIAH

Counsel for the Respondents: GP FOR TRANSPORT

The Court made the following ORDER:

(per Hon'ble Sri Justice Bilal Nazki)

Heard learned counsel for the parties. With their consent, the writ petition is being disposed of at this stage.

Petitioner's vehicle bearing No.AP 25 T 7479 has been seized when the Motor Vehicles Inspector found on check that no tax had been paid and the vehicle was being run without permit. The petitioner contends that he had not paid tax for the quarter ending 30-6-2004 because of severe financial problems. These are matters which will have to be considered during the enquiry by the respondent, which is yet to start.

In these circumstances, we dispose of the writ petition directing the release of the vehicle on payment of tax due. Rest of the matters may be decided by the respondents in the enquiry. Any observations made in this order shall not be taken as expression of our opinion, by the respondents who conduct the enquiry. No costs.

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BILAL NAZKI, J

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S.ANANDA REDDY, J

August 3, 2004.

Operative portion by wire

at parties cost.

(b/o)

nmr

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Dy. Transport Commissioner & Secretary, Regional Transport Authority, Krishna at Vijayawada
2 The Motor Vehicle Inspector Ongole, Prakasam District

3. Government Pleader for Transport, High Court of A.P., Hyderabad (OUT)

4. 2 CD copies.

THE HON'BLE MR JUSTICE BILAL NAZKI

and

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 13429 of 2004

(per Hon'ble Sri Justice Bilal Nazki)

August 3, 2004.

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nmr